

WSGL WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP*Intellectual Property Law*
Patents • Trademarks • CopyrightsTen Post Office Square
Boston, Massachusetts 02109
Tel. 617.542.2290 • Fax. 617. 451.0313
www.wsglip.comRECEIVED
CENTRAL FAX CENTER

AUG 11 2005

FACSIMILE COVER SHEET

DATE: August 11, 2005

TO: OFFICE OF PETITIONS

Fax No.: (571) 273 8300

FROM: Charles L. Gagnebin III

No. of pages transmitted
(including this page): 20

Our File: VER-148XX

Time: 2:55

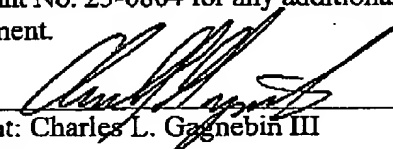
Your Ref:

Sent by: Mary Ellen

Application No. 09/830,907

Filed Date: June 19, 2001

Confirmation No.: 5302

A confirmation copy of this transmission will not be mailed unless the following is checked: ☐
MESSAGEPLEASE DELIVER DIRECTLY TO:
OFFICE OF PETITIONS, Tel. (571) 272-3282**FOR ENTRY**Enclosed for filing please find: PETITION TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(b), REQUEST FOR
CONTINUED EXAMINATION (RCE APPLICATION), COPY OF
AMENDMENT FILED JANUARY 16, 2004 and COPIES OF SUPPORTING
DOCUMENTATIONThe Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional
filing fees associated with this communication or credit any overpayment.
Attorney for Applicant: Charles L. Gagnebin III
Registration No. 25,467

325162-1

THIS MESSAGE MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION INTENDED ONLY
FOR THE PERSON(S) IDENTIFIED ABOVE. IF IT HAS BEEN RECEIVED AT ANY OTHER PLACE OR HAS
NOT BEEN CLEARLY RECEIVED, PLEASE CALL THE ABOVE IDENTIFIED SENDING PARTY COLLECT
FOR INSTRUCTIONS. DO NOT SHOW OR DISTRIBUTE THIS MESSAGE TO ANYONE OTHER THAN THE
INTENDED RECIPIENT(S). THANK YOU.

Application No.: 09/830,907
 Filed: June 19, 2001
 TC Art Unit: 1754
 Confirmation No.: 5302

Rev 07/05

WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP
 Ten Post Office Square
 Boston, Massachusetts 02109
 Telephone: (617) 542-2290
 Telecopier: (617) 451-0313

Date: August 11, 2005

Via Facsimile

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Attorney

Docket No.: VER-148XX

Sir:

In re application of: Cornelis Roeland Bayense, et al.

Entitled: STAR SHAPED ALUMINA EXTRUDATES AND CATALYST BASED THEREON

Transmitted herewith is an amendment in the above-identified application. The following checked items are applicable:

- ☒ This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$790.00) per §1.17(e).
- ☒ Enter the unentered amendment previously filed on January 16, 2004 per §1.116 (COPY OF AMENDMENT ENCLOSED).
- ☐ A Petition for Extension of Time for ___ month is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$_____) per §1.17.
- ☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- ☒ Other: PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(b) and copies of supporting documentation

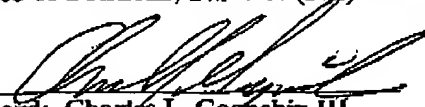
CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent	1 - 3	= 0	x \$200.00 =	0
Total	17 - 20	= 0	x \$ 50.00 =	0
<input type="checkbox"/> Multiple Dependent Claims (1st presentation)			+ \$360.00 =	0
SUBTOTAL ADDITIONAL FEE				0
Small Entity filing, divide by 2. Small Entity status must be asserted.				0
TOTAL ADDITIONAL FEE				0

- ☒ No additional fee. ☐ The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$_____) for the cost of same.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Office of Petitions, Fax No. (571) 273 8300, on

8-11-5

CLG:mes/325147-1


 Attorney of Record: Charles L. Gagnebin III
 Registration No.: 25,467

AUG 11 2005

PATENT

Rev 10/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Cornelis Roeland Bayense, et al.
 Application No. : 09/830,907
 Filed : June 19, 2001
 Confirmation No. : 5302
 For : STAR SHAPED ALUMINA EXTRUDATES AND
 CATALYST BASED THEREON
 Examiner : Edward M. Johnson
 Attorney's Docket : VER-148XX

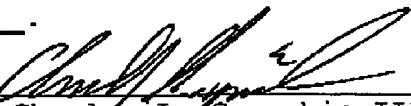
Group Art Unit: 1754

I hereby certify that this correspondence is being sent via
 facsimile to Fax No. 571-273-8300, Office of Petitions (tel. no.
 571-272-3282) on 8-11-5.

08/12/2005 SDIRETA1 00000018 230804 09830907

01 FC:1453 1500.00 DA

By:


 Charles L. Gagnebin III
 Registration No. 25,467
 Attorney for Applicant(s)

PETITION TO REVIVE
UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 C.F.R. § 1.137(b)

VIA FACSIMILE

Office of Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicants hereby petition to revive the above-identified
 abandoned application under 37 C.F.R. § 1.137(b).

A Notice of Abandonment was received dated March 3, 2004. A
 Petition to Withdraw Abandonment was filed April 1, 2004,
 indicating that Applicants timely filed a Response and Notice of
 Appeal to the Final Office Action dated July 21, 2003. The
 Petition was granted on April 18, 2005, and the application was

3

WEINMANN, SCHUMER,
 GAGNEBIN & LEBOVICI LLP
 TEL. (617) 542-2290
 FAX. (617) 451-0313

Application No.: 09/830,907

Filed: June 19, 2001

TC Art Unit:1754

Confirmation No.: 5302

forwarded to the Examiner for processing and consideration of the papers filed January 16, 2004.

Copies of supporting documentation showing due diligence on the part of this office to follow-up on the status of the Petition filed April 1, 2004, until it was granted on April 18, 2005, is enclosed.

The entire delay in filing the RCE Application to keep the application alive from the due date of August 16, 2004 (which includes 5 months extension of time from March 16, 2004) until the filing of this petition was unintentional.

A copy of the Response and Notice of Appeal filed January 16, 2004, to the Final Office Action dated July 21, 2003 is submitted herewith along with Auto-Reply Facsimile Transmission indicating receipt of the documents. An RCE Application accompanies this Petition.

The petition fee of \$1330.00 pursuant to 37 C.F.R. § 1.17(m) is authorized to be charge along with any additional fees due to Deposit Account No. 23-0804.

Please contact the undersigned with any questions or other matters regarding this Petition or this application.

Respectfully submitted,

Cornelis Roeland Bayense

By: 

Charles L. Gagnebin III

Registration No. 25.467

Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,

GAGNEBIN & LEBOVICI LLP

Ten Post Office Square

Boston, MA 02109

Telephone: (617) 542-2290

Telecopier: (617) 451-0313

CLG:mes/325152-1

-2-

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

USPTO 1/16/2004 3:07 PM PAGE 1/001 Fax Server
 O:Auto-reply fax to 16174510313 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 16174510313

Fax Information

Date Received:

1/16/2004 2:58:17 PM [Eastern Standard Time]

Total Pages:

6 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

=====>

01/16/2004 14:54 FAX 16174510313		WSGL	0001
<p>WSGL WEINGARTEN, SCHUBBIN, GAGNEBIN & LEROUICILLI, P.C. Intellectual Property Law Patents • Trademarks • Copyrights</p> <p>The Post Office Box 608 Boston, Massachusetts 02109 Tel. 617.542.3200 • Fax 617.451.0313 www.wsglpc.com</p>			
FACSIMILE COVER SHEET			
DATE: January 16, 2004			
TO: Examiner Edward M. Johnson TC Art Unit 1754		Fax No.: (703) 872 9306	
FROM: Charles L. Gagnebin III		No. of pages transmitted (including this page): 10	
Our File: VSR-148XX		Time:	
Your Ref: Application No. 09/830,907 Filed Date: June 19, 2001		Sent by: Khyll Rhoden	
A confirmation copy of this transmission will not be mailed unless the following is checked: <input type="checkbox"/>			
MESSAGE			
PLEASE DELIVER DIRECTLY TO: EXAMINER EDWARD M. JOHNSON, Tel. (703) 505-0216 TC ART UNIT NO: 1754			
FOR ENTRY			
Enclosed for filing please find a: Transmittal letter, petition for 3 month extension of time, an Amendment Pursuant to 37 C.F.R. §1.116 and a Notice of Appeal.			
The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.			
 Agency for Applicant: Charles L. Gagnebin III Registration No. 23,457			
<p>THIS MESSAGE MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION INTENDED ONLY FOR THE PERSON(S) IDENTIFIED ABOVE. IF IT HAS BEEN RECEIVED AT ANY OTHER PLACE OR HAS NOT BEEN CLEARLY RECEIVED, PLEASE CALL THE ABOVE IDENTIFIED SENDING PARTY COLLECT FOR INSTRUCTIONS. DO NOT SHOW OR DISTRIBUTE THIS MESSAGE TO ANYONE OTHER THAN THE INTENDED RECIPIENT(S). THANK YOU.</p>			
PAGE 01 * RCVD AT 1/16/2004 2:58:17 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-6/27 * DNIS:2738300 * CSID:6174510313 * DURATION (mm-ss):04-38			

WSGL WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP
Intellectual Property Law
Patents • Trademarks • Copyrights

Ten Post Office Square
Boston, Massachusetts 02109
Tel. 617.542.2290 • Fax. 617.451.0313
www.wsglip.com

RECEIVED
CENTRAL FAX CENTER
AUG 11 2005

FACSIMILE COVER SHEET

DATE: January 16, 2004

TO: Examiner Edward M. Johnson
TC Art Unit: 1754

Fax No.: (703) 872 9306

FROM: Charles L. Gagnebin III

No. of pages transmitted
(including this page): 10

Our File: VER-148XX

Time:

Your Ref: Application No. 09/830,907
Filed Date: June 19, 2001

Sent by: Khylo Rhoden

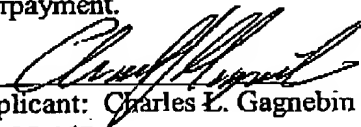
A confirmation copy of this transmission will not be mailed unless the following is checked: []
MESSAGE

PLEASE DELIVER DIRECTLY TO:
EXAMINER EDWARD M. JOHNSON, Tel. (703)305-0216
TC ART UNIT NO: 1754

FOR ENTRY

Enclosed for filing please find a: Transmittal letter, petition for 3 month extension of time, an Amendment Pursuant to 37 C.F.R. §1.116 and a Notice of Appeal.

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.


Attorney for Applicant: Charles L. Gagnebin III
Registration No. 25,467

THIS MESSAGE MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION INTENDED ONLY FOR THE PERSON(S) IDENTIFIED ABOVE. IF IT HAS BEEN RECEIVED AT ANY OTHER PLACE OR HAS NOT BEEN CLEARLY RECEIVED, PLEASE CALL THE ABOVE IDENTIFIED SENDING PARTY COLLECT FOR INSTRUCTIONS. DO NOT SHOW OR DISTRIBUTE THIS MESSAGE TO ANYONE OTHER THAN THE INTENDED RECIPIENT(S). THANK YOU.

Rev 09/03

Application: 09/830,907
Filed: June 19, 2001
TC Art Unit: 1754
Confirmation No.: 5302

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
Ten Post Office Square
Boston, Massachusetts 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

Date: January 16, 2004

Attorney
Docket No.: VER-148XX

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of: Cornelis Roeland Bayense et al.

Entitled: STAR SHAPED ALUMINA EXTRUDATES AND CATALYST BASED THEREON

Via Facsimile
Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated July 21, 2003 of the Examiner finally rejecting claims 1-8, 10-16, 20 and 21.

Authorization is provided herewith to charge Deposit Account No. 23-0804 in the amount of \$330.00 to cover the Notice of Appeal fee.

The following checked items are appropriate:

A timely response to the final rejection:

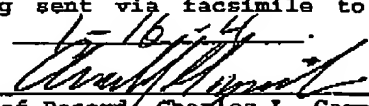
☐ has been filed ☒ is hereby filed

An extension of time to respond to the final rejection:

1. ☐ was requested on _____ for ____ month(s);
 2. ☐ is hereby requested for ____ month(s) and a check in the amount of \$_____ for the extension fee is enclosed.
 3. ☒ is included on the enclosed amendment transmittal form along authorization is provided herewith to charge Deposit Account No. 23-0804 (\$950.00) for the cost of such extension.
- ☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under \$1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Edward M. Johnson, TC Art Unit 1754, Fax No. (703) 872-9306, on 1-16-04.

SUBMIT IN TRIPLICATE
CSK/kmr/300812-1


Attorney of Record: Charles L. Gagnebin III
Registration No. 25,467

Application No.: 09/830,907
 Filed: June 19, 2001
 TC Art Unit: 1754
 Confirmation No.: 5302

Rev 05/03

WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP

Ten Post Office Square
 Boston, Massachusetts 02109
 Telephone: (617) 542-2290
 Telecopier: (617) 451-0313

Via Facsimile

MAIL STOP AF

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Date: January 16, 2004

Attorney

Docket No.: VER-148XX

Sir:

In re application of: Cornelis Roeland Bayense et al.

Entitled: STAR SHAPED ALUMINA EXTRUDATES AND CATALYST BASED THEREON

Transmitted herewith is an amendment in the above-identified application. The following checked items are applicable:

- ☐ This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$) per §1.17(e).
☐ Enter the unentered amendment previously filed on per §1.116.
- ☒ A Petition for Extension of Time for 3 month is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$950.00) per §1.17.
- ☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- ☐ is hereby appointed Associate Attorney by:
 Registration No.:

Attorney of Record:

Registration No.:

☒ Other: Notice of Appeal

CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent	1 - 3	= 0	x \$86.00 =	0
Total	17 - 20	= 0	x \$18.00 =	0
<input type="checkbox"/> Multiple Dependent Claims (1st presentation)			+ \$290.00 =	0
SUBMIT IN TRIPLICATE				0
Small Entity filing, divide by 2. Small Entity status must be asserted.				0
TOTAL ADDITIONAL FEE:				0

☒ No additional fee. ☐ The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$) for the cost of same.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Johnson, Group Art Unit 1754, Fax No. (703) 872-9306, on 1-16-04.

SUBMIT IN TRIPLICATE

CLG/knr/300790-1

Attorney of Record: Charles L. Gagnebin III

Registration No.: 25,467

PATENT

Rev 12/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Cornelis Roeland Bayense et al.
Application No. : 09/830,907
Filed : June 19, 2001
Confirmation No. : 5302
For : STAR SHAPED ALUMINA EXTRUDATES AND CATALYST
BASED THEREON
Examiner : Edward M. Johnson
Attorney's Docket : VER-148XX

TC Art Unit: 1754

I hereby certify that this correspondence is being sent via
facsimile to Examiner Edward M. Johnson, TC Art Unit 1754, Fax No.
(703) 872-9306, on 1-16-4.

By: 

Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

AMENDMENT PURSUANT TO 37 C.F.R. §1.116

Via Facsimile
Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated July 21, 2003 (Paper
No. 8), please amend the above-identified patent application as
follows.

A petition for an appropriate extension of time is submitted
separately herewith.

WEINGARTEN, SCHEURIN,
GAGNEBIN & LEDOVICI LLP

BEST AVAILABLE COPY

Application No. 09/830,907
Filed: June 19, 2001
TC Art Unit: 1754
Confirmation No.: 5302

AMENDMENT TO THE CLAIMS

1. (Currently Amended) A star shaped alumina extrudate with a pore volume in pores of diameter of ~~over 1000 nm~~, as determined by mercury porosimetry, of at least 0.05 ml/g and at least 10% of the total pore volume in pores of diameter over 1000 nm, a side crushing strength of at least 50 N and a bulk crushing strength of at least 1 Mpa.
2. (Previously Presented) The extrudate according to claim 1, having a length of between 2 and 8mm.
3. (Previously Presented) The extrudate according to claim 1, having a length to diameter ratio of between 1 and 3.
4. (Previously Presented) The extrudate according to claim 1, wherein the total pore volume as determined by mercury porosimetry is between 0.5 and 0.75 ml/g.
5. (Previously Presented) The extrudate according to claim 1, wherein the BET surface area is at least 75 m²/g.
6. (Previously Presented) The extrudate according to claim 1, wherein attrition, as determined by ASTM D4058-87, is less than 5 wt. %.
7. (Previously Presented) A catalyst comprising at least one catalytically active material supported on an extrudate according to claim 1.

Application No. 09/830,907

Filed: June 19, 2001

TC Art Unit: 1754

Confirmation No.: 5302

8. (Previously Presented) The catalyst according to claim 7, wherein the catalytically active material is selected from the group of metals, metal oxides, metal sulfides and combinations thereof.

9. (Cancelled)

10. (Previously Presented) An extrudate according to claim 2, having a length to diameter ratio of between 1 and 3.

11. (Previously Presented) An extrudate according to claim 10, wherein:

the total pore volume as determined by mercury porosimetry is between 0.5 and 0.75 ml/g;

the BET surface area is at least 75 m²/g; and

the attrition, as determined by ASTM D4058-87, is less than 5 wt.%.

12. (Previously Presented) The catalyst of claim 7, wherein said catalytically active material is supported on an extrudate according to claim 2.

13. (Previously Presented) The catalyst of claim 7, wherein said catalytically active material is supported on an extrudate according to claim 3.

14. (Previously Presented) The catalyst of claim 7, wherein said catalytically active material is supported on an extrudate according to claim 4.

Application No. 09/830,907

Filed: June 19, 2001

TC Art Unit: 1754

Confirmation No.: 5302

15. (Previously Presented) The catalyst of claim 7, wherein said catalytically active material is supported on an extrudate according to claim 5.

16. (Previously Presented) The catalyst of claim 7, wherein said catalytically active material is supported on an extrudate according to claim 6.

17.-19. (Cancelled)

20. (Previously Presented) The extrudate of claim 6, wherein said attrition is less than 3 wt. %.

21. (Previously Presented) The extrudate of claim 11; wherein said attrition is less than 3 wt. %.

Application No. 09/830,907
Filed: June 19, 2001
TC Art Unit: 1754
Confirmation No.: 5302

REMARKS

Claims 1-8, 10-16, 20 and 21 are pending in the present application. Claim 1 is amended herein. Accordingly, claims 1-8, 10-16, 20 and 21 will be pending upon entry of the instant amendments.

Support for the amended claim can be found throughout the specification and encompassed by the scope of the claims as originally filed. For example, support for the amendment to claim 1 can be found, at least, for example, from original claim 4 and on page 3, lines 1-14, and/or the Example on pages 5-6 of the specification. No new matter has been added.

Any amendments to the claims should in no way be construed as acquiescence to any of the Examiner's rejections and were done solely to expedite the prosecution of the application. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s).

Claim Rejections - 35 U.S.C. §103

Claims 1-8, 10-16 and 20-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mulaskey et al. (U.S. Patent 3,673,079) in view of Neel et al. (U.S. Patent 4,554,268). The Examiner asserts that Mulaskey et al. discloses pores above 1000 Angstroms and a pore volume of 0.25-0.4 cc/g. The Examiner also states that "the features upon which applicant relies (i.e., "a material that has 10% or more of the pore volume in the form of large pores") are not recited in the rejected claim(s)."

Applicants respectfully traverse the foregoing rejection.

Claim 1 as amended herein now recite that the invention is directed to a star shaped alumina extrudate with a pore volume, as

Application No. 09/830,907
Filed: June 19, 2001
TC Art Unit: 1754
Confirmation No.: 5302

determined by mercury porosimetry, of at least 0.05 ml/g and at least 10% of the total pore volume in pores of diameter of over 1000 nm, a side crushing strength of at least 50 N and a bulk crushing strength of at least 1 Mpa. Accordingly, Applicants' invention provides an optimal balance between strength and porosity, pressure drop and accessibility. In addition, the invention also provides pores with greater diameter based on the total pore volume, which is distinguishable from Mulaskey et al.

Based upon the claimed subject matter as a whole, Mulaskey et al. fails to teach or suggest having a catalyst with at least 10% of the total pore volume in pores of diameter of over 1000 nm in combination with the other elements of the claimed invention. Mulaskey et al. describes the properties of its catalyst as having a narrow pore size distribution - "predominantly micropores with diameters in the range below 1,000 Angstrom units with less than 10 percent of the pore volume being attributable to macropores having diameters above 1,000 Angstrom units." (See column 5, lines 54-59, of Mulaskey et al.) Therefore, in Mulaskey et al., more than 90% of the pores are relatively small, or below 100 nm. This results in a very high surface area of at least 300 m²/g. This is plainly distinguishable from the present invention where the majority of the pores have diameters of above 1,000 nm, where the upper pore volume limit of the invention has a low surface area, far below 300 m²/g. No suggestion or motivation can be gleaned from Mulaskey et al. to make or use the present invention with the combined properties as claimed.

Neel et al. fails to cure the deficiencies found in the primary reference. Regardless of the fact that Neel et al. fails to teach or suggest the claimed combination, Neel et al. also

Application No. 09/830,907

Filed: June 19, 2001

TC Art Unit: 1754

Confirmation No.: 5302

comprises having a high surface area above 300 m²/g (see, for example, column 5, line 40), which is again distinguishable from the claimed invention. Either alone or in combination with Mulaskey et al., Neel et al. fails to make the claimed invention obvious. Accordingly, Applicants respectfully request reconsideration and withdrawal of the foregoing rejection.

CONCLUSION

Based on the foregoing, entry of the amendments and remarks presented herein, reconsideration and withdrawal of all the rejections and allowance of the application with all pending claims are respectfully requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

CORNELIS ROELAND BAYENSE ET AL.

By: 

Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

CSK/knr
299557-1

USPTO 1/16/2004 3:07 PM PAGE 1/001 Fax Server
 Auto-reply fax to 1617451(3 COMPANY:

Auto-Reply Facsimile Transmission



TO: Fax Sender at 16174510313

Fax Information

Date Received:

1/16/2004 2:58:17 PM [Eastern Standard Time]

Total Pages:

6 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMPEP) section 306 et seq.

Received
Cover
Page
=====>

01/16/2004 14:57 FAX 16174510313		WSGL	0001
WSGL WEINSTEIN, SCHURIN, GAGNEBIN & LEROY LLP Intellectual Property Law Patents • Trademarks • Copyrights Two Post Office Square Boston, Massachusetts 02109 Tel. 617.542.2250 • Fax 617.461.0313 www.wsgl.com			
FACSIMILE COVER SHEET			
DATE: January 16, 2004			
TO: Examiner Edward M. Johnson TC Art Unit 1734		Fax No.: (703) 872 9306	
FROM: Charles L. Gagnebin III		No. of pages transmitted (including this page): 10	
Our File: VER-148XX		Transmit	
Your Ref: Application No. 09/830,907 Filed Date: June 19, 2001		Sent by: Khylo Rhoden	
A confirmation copy of this transmission will not be mailed unless the following is checked: <input type="checkbox"/> MESSAGE			
PLEASE DELIVER DIRECTLY TO: EXAMINER EDWARD M. JOHNSON, Tel. (703) 872-0216 TC ART UNIT NO: 1734			
FOR ENTRY			
Enclosed for filing please find a: Transmittal letter, petition for 3 month extension of time, an Amendment Pursuant to 37 C.F.R. §1.116 and a Notice of Appeal.			
The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.			
 Attorney for Applicant: Charles L. Gagnebin III Registration No. 25,467			
THIS MESSAGE MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION INTENDED ONLY FOR THE PERSON(S) IDENTIFIED ABOVE. IF IT HAS BEEN RECEIVED AT ANY OTHER PLACE OR HAS NOT BEEN CLEARLY RECEIVED, PLEASE CALL THE ABOVE IDENTIFIED SENDING PARTY. COLLECT FOR DIRECTION. DO NOT SHOW OR DISTRIBUTE THIS MESSAGE TO ANYONE OTHER THAN THE INTENDED RECIPIENT(S). THANK YOU.			
PAGE 06 * RCVD AT 1/16/2004 2:58:17 PM [Eastern Standard Time] * SVR:USPTO-EFAXF-43 * DNIS:2738300 * CSID:16174510313 * DURATION (mm-ss):04-36			

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0950
CONNECTION TEL 17038729306
SUBADDRESS
CONNECTION ID
ST. TIME 01/16 14:58
USAGE T 02'13
PGS. SENT 10
RESULT OK

WSGL WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP

Intellectual Property Law
Patents • Trademarks • Copyrights

Ten Post Office Square
Boston, Massachusetts 02109
Tel. 617.542.2290 • Fax. 617.451.0313
www.wsclip.com

FACSIMILE COVER SHEET

DATE: January 16, 2004

TO: Examiner Edward M. Johnson
TC Art Unit: 1754

Fax No.: (703) 872 9306

FROM: Charles L. Gagnebin III

No. of pages transmitted
(including this page): 10

Our File: VER-148XX

Time:

Your Ref: Application No. 09/830,907
Filed Date: June 19, 2001

Sent by: Khylo Rhoden

A confirmation copy of this transmission will not be mailed unless the following is checked: ☐
MESSAGE

PLEASE DELIVER DIRECTLY TO:
EXAMINER EDWARD M. JOHNSON, Tel. (703)305-0216
TC ART UNIT NO: 1754

FOR ENTRY

Enclosed for filing please find a: Transmittal letter, petition for 3 month extension of time, an Amendment Pursuant to 37 C.F.R. §1.116 and a Notice of Appeal.

MEMORANDUM

Date: November 12, 2004

To: File

From: Rose

Re: VER-148XX

*Ms. Williams
(571) 272 3229*

I spoke with the Paralegal in the Petitions Office and she indicated that the palm system indicated that the Petition to Withdraw Abandonment was scanned in with supportive documents. The system also shows the status letter of 9/15/2004. She does not understand why this Petition has not been acted upon as all information required is present.

She said that Petition re: Withdrawal of Abandonment are no longer processed in the Petitions Office, they are processed by the Imaging Assistance Center (IAC). She said she will return my call with the name and contact number of a person from IAC who will process the Petition.

Expected call return later today (11/12/04) or early next week.

*✓ PAMELA SAO PETITION REQUEST TO BE
ACTION BY EXAMINER*

Call Examiner Johnson (571) 272 1352

*left v-mail action for return
call requesting action on
petition filed APRIL 1, 2004*

11/12/04

*11/13/05 Called Ex. Johnson & left voicemail
to call & give status of Petition
(571) 272-1352*

3/3/05 left message w/Ex Johnson re status



Rev 06/04

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : CORNELIS ROELAND BAYENSE, ET AL.
Application No. : 09/830,907
Filed : June 19, 2001
Confirmation No. : 5302
For : STAR SHAPED ALUMINA EXTRUDATES AND CATALYST
BASED THEREON
Examiner : Edward M. Johnson
Attorney's Docket : VER-148XX

TC Art Unit: 1754

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope
addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450 on 9-15-4.

By: 

Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

STATUS LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the filing of the PETITION TO WITHDRAW ABANDONMENT OF
APPLICATION of the above identified application, which was dated and
faxed to the Office of Petitions, fax no. (703)872-9306 on April 1,
2004, information is requested as to the present status of the above-
identified application.

Respectfully submitted,

By: 

Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)
WEINGARTEN, SCHURGIN,
GAGNEBIN & LEOVICI LLP
Ten Post Office Square
Boston, Massachusetts 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

CLG/mc/311350-1

M E M O R A N D U M

Date: July 14, 2004

To: File

From: Rose

Re: Telephone call to Petitions Office

I spoke with SPER Bill Crinski, he indicated that the Petition was scanned in but his office did not receive a message to indicate that it has been received.

He has now put the petition in the que for action but the petitions office is running approx 3 months behind in their workload.

Estimated Date of Expected Action After October 14, 2004